

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

FAROOQ MALIK, :
Defendant, :
v. :
UNITED STATES OF AMERICA, :
Respondent. :
:

ORDER

Criminal No. 03-799 (JAG)

GREENAWAY, JR., U.S.D.J.

This matter comes before this Court on Farooq Malik’s (“Defendant”) pro se Motion for Return of Property, pursuant to FED. R. CRIM. P. 41(g) (Docket Entries Nos. 79 and 82). For the reasons set forth below, this Court orders the United States to answer Defendant’s motion for the return of property.

On April 5, 2004, Defendant entered a guilty plea for the operation of an unlicensed money transmitting business, pursuant to 18 U.S.C. §§ 1960 and 1962. (Docket Entry Nos. 53 and 64.) Pursuant to his plea, Defendant signed a Consent Judgment and Preliminary Order of Forfeiture, in which he “agree[d] to the forfeiture of \$27,000.00 in United States currency for violations of 18 U.S.C. § 1960,” pursuant to 18 U.S.C. § 982. (Docket Entry No. 55.) The final notice of forfeiture was filed on April 28, 2004.

On April 6, 2005, this Court entered a Judgment of Conviction against Defendant, sentencing him to 43 months of imprisonment. (Docket Entry No. 63.) On January 25, 2007,

Defendant filed the Motion for the Return of Property.¹ Defendant claims that at the time of his arrest, the following items were seized from his residence: “\$27,000.00 in U.S. Currency, \$55,000.00 in checks, a Canadian passport, citizenship card, driver’s license, health card, a number of credit cards, and his account book.” (Docket Entry Nos. 79 and 82.)

With the exception of the \$27,000.00 that the Defendant has already agreed to forfeit, the government has shown no reason as to why the remaining property should not be returned to Defendant.

Therefore, upon good cause appearing,

IT IS on this 7th day of November 2008,

ORDERED that the United States shall answer Defendant’s Motion for the Return of Property by December 5, 2008; and it is further

ORDERED that a copy of this Order be served on all parties within seven (7) days of the date of this Order.

S/Joseph A. Greenaway, Jr.
JOSEPH A. GREENAWAY, JR., U.S.D.J.

¹ On June 4, 2007, Defendant re-filed this motion. (Docket No. 82.)